



PATENT  
Attorney Docket No.: INVIT1300-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chesnut et al. Art Unit: 1637  
Application No.: 09/935,280 Examiner: T.E. Strzelecka  
Filed: August 21, 2001 Conf. No.: 8805  
Title: METHODS AND REAGENTS FOR MOLECULAR CLONING

**Mail Stop ISSUE FEE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPLICATION FOR PATENT TERM ADJUSTMENT**  
**PURSUANT TO 37 C.F.R. § 1.705(b)**

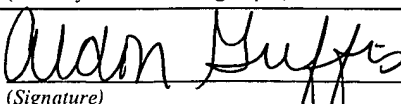
Sir:

Applicant hereby petitions for reconsideration of the Patent Term Adjustment (PTA) accorded the above-identified application. Attached hereto as Exhibit A is a copy of the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed November 19, 2004, in addition to a copy of the Patent Term Adjustment History as outlined in the Patent Application Information Retrieval (PAIR) system. This Determination states that the Total PTA at allowance is 164 days. It is respectfully requested that the PTA be reconsidered, specifically to reduce the Applicant delay from 62 days to 54 days. The resultant total PTA would thereby increase the total PTA from 164 days to 172 days.

02/09/2005 DEMMANU2 00000098 09935280

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200.00 0P

| CERTIFICATION UNDER 37 CFR §1.8  |                            |
|--|----------------------------|
| I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>February 3, 2005</b> , in an envelope addressed to: Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |                            |
| Aldon Griffis<br>(Name of Person Mailing Paper)  |                            |
| <br>(Signature)  | February 3, 2005<br>(Date) |

The PTA history in the PAIR system reflects the following PTA calculations as determined by the U.S. Patent and Trademark Office (USPTO):

**A. USPTO Delay**

1. USPTO First Action pursuant to 37 C.F.R. §§ 1.702(a)(1) and 1.703(a)(1). The USPTO mailed a Non-Final Rejection on June 4, 2003 in response to the initial application filing of August 21, 2001. Applicant agrees with the USPTO delay of 226 days in consideration of the June 4, 2003 mail date.

**B. Applicant Delay**

1. Notice to File Missing Parts of Nonprovisional Application. The USPTO mailed a Notice to File Missing Parts of Nonprovisional Application on October 2, 2001. Applicant responded to this Notice via first class mail on November 27, 2001, which is within the three (3) month response period provided Applicant under 37 C.F.R. § 1.704(b) to reply to a notice without an associated patent term adjustment. This mailing was subjected to the postal inspections and delays subsequent to September 11, 2001 and was not received or date-stamped by the Office of Initial Patent Examination (OIPE) until January 10, 2002. Copies of the Notice mailed October 2, 2001, the Response mailed November 27, 2001 and the postcard stamped by OIPE on January 10, 2002 are attached as Exhibit B. Using the delayed receipt date of January 10, 2002, the Applicant's response time between the three (3) month due date of January 2, 2002 and the date of receipt by OIPE of January 10, 2002 results in an Applicant Delay of 8 days. Since the Response to Missing Parts includes a Certificate of Mailing of November 27, 2001 under 37 C.F.R. § 1.8, Applicant respectfully requests reinstatement of 8 days due to the delay of the response reaching the OIPE resulting from the consequences of events of September 11, 2001 on domestic first class mail delivery at the U.S. Postal Service.

In re Application of:  
Chesnut et al.  
Application No.: 09/935,280  
Filed: August 21, 2001  
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2. Response to Non-Final Rejection. The USPTO mailed a Response to Non-Final Rejection on June 4, 2003. Applicant responded to this Notice via first class mail under 37 C.F.R. § 1.8 on October 23, 2003. This Response was received by the USPTO OIPE on October 28, 2003. Applicant agrees with the delay attributed to the Applicant of 54 days pursuant to 37 C.F.R. § 1.704(b) in consideration of the October 28, 2003 receipt date.

In consideration of the events relating to Patent Term Adjustment described above, Applicant respectfully submits that PTA should be recalculated as follows:

- Applicant Delay Decreased from 62 days to 54 days (Response to Missing Parts), resulting in a corrected total Patent Term Adjustment from 164 days to 172 days.

In re Application of:  
Chesnut et al.  
Application No.: 09/935,280  
Filed: August 21, 2001  
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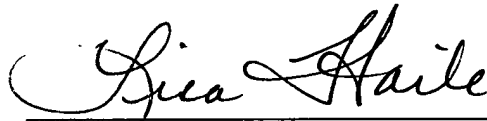
PATENT  
Attorney Docket No.: INVIT1300-1

### REMARKS

The Examiner is invited to contact Applicants' undersigned representative if any additional supporting documentation is required or if there are any questions relating to this application. Enclosed is Check No. 573912 in the total amount of \$1,930.00, which consists of \$200.00 for the fee for application for patent term adjustment under 37 C.F.R. § 1.18(e), \$1,400.00 for the Issue Fee, \$300.00 for the Publication Fee and \$30.00 for the Advance Order Fee for Ten (10) Patent Copies. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 07-1896.

Respectfully submitted,

Date: February 3, 2005



Lisa A. Haile, J.D., Ph.D.  
Reg. No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

**USPTO Customer Number 28213**  
DLA PIPER RUDNICK GRAY CARY US LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.              | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------------|------------------|
| 09/935,280  | 08/21/2001  | Jonathan D. Chesnut  | INVIT1300-1                      | 8805             |
| 7590  | 11/19/2004  |                      |                                  |                  |
| Lisa A. Haile, J.D., Ph.D.<br>GRAY CARY WARE & FREIDENRICH LLP<br>4365 Executive Drive, Suite 1600<br>San Diego, CA 92121 |             |                      | EXAMINER<br>STRZELECKA, TERESA E |                  |
|   |             |                      | ART UNIT<br>1637                 | PAPER NUMBER     |
| DATE MAILED: 11/19/2004   |             |                      |                                  |                  |

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 164 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 164 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

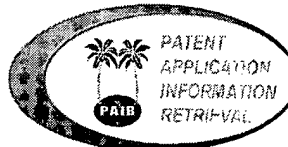
Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



United States Patent and Trademark Office

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## PATENT APPLICATION INFORMATION RETRIEVAL



| Patent Term Adjustment (PTA) for publication number: 09/935,280 |            |                             |      |
|---|------------|-----------------------------|------|
|   |            |                             | Days |
| Filing or 371(c) Date:  | 08-21-2001 | USPTO Delay (PTO):          | 226  |
| Issue Date of Patent:   | -          | Three Years:                | -    |
| Pre-Issue Petitions (days):                                     | +0         | Applicant Delay (APPL):     | 62   |
| Post-Issue Petitions (days):                                    | +0         | Total PTA:                  | 164  |
| USPTO Adjustment (days):  | +0         | Explanation of Calculations |      |

### Search Options

|                     |
|---------------------|
| Continuity Data     |
| Image File Wrapper  |
| File History        |
| Published Documents |

| Patent Term Adjustment History |  |            |             |
|--------------------------------|--|------------|-------------|
| Date                           | Contents Description                               | PTO (days) | APPL (days) |
| 11-19-2004                     | Mail Notice of Allowance                           |            |             |
| 11-18-2004                     | Issue Revision Completed                           |            |             |
| 11-18-2004                     | Notice of Allowance Data Verification Completed    |            |             |
| 11-18-2004                     | Case Docketed to Examiner in GAU                   |            |             |
| 11-18-2004                     | Notice of Allowability                             |            |             |
| 09-22-2004                     | Date Forwarded to Examiner                         |            |             |
| 09-13-2004                     | Response after Ex Parte Quayle Action              |            |             |
| 09-13-2004                     | Workflow incoming amendment IFW                    |            |             |
| 06-28-2004                     | Case Docketed to Examiner in GAU                   |            |             |
| 06-15-2004                     | Mail Ex Parte Quayle Action (PTOL - 326)           |            |             |
| 06-10-2004                     | Ex Parte Quayle Action                             |            |             |
| 03-17-2004                     | Workflow incoming amendment IFW                    |            |             |
| 03-23-2004                     | Date Forwarded to Examiner                         |            |             |
| 03-17-2004                     | Response to Election / Restriction Filed           |            |             |
| 03-17-2004                     | Request for Extension of Time - Granted            |            |             |
| 01-14-2004                     | Mail Restriction Requirement                       |            |             |
| 01-12-2004                     | Requirement for Restriction / Election             |            |             |
| 10-01-2001                     | Information Disclosure Statement (IDS) Filed       |            |             |
| 03-29-2002                     | Oath or Declaration Filed (Including Supplemental) |            |             |
| 11-28-2003                     | Reference capture on IDS                           |            |             |
| 11-05-2003                     | CRF Is Good Technically / Entered into Database    |            |             |
| 11-04-2003                     | Date Forwarded to Examiner                         |            |             |
| 10-28-2003                     | Response after Non-Final Action                    |            | 54          |
| 10-28-2003                     | Request for Extension of Time - Granted            |            | ↑           |
| 07-31-2003                     | Information Disclosure Statement (IDS) Filed       |            | ↑           |

|            |  |     |   |
|------------|--|-----|---|
| 07-23-2003 | Case Docketed to Examiner in GAU   |     | ↑ |
| 06-04-2003 | Mail Non-Final Rejection   | 226 | ↑ |
| 06-02-2003 | Non-Final Rejection  | ↑   |   |
| 05-13-2003 | Case Docketed to Examiner in GAU   | ↑   |   |
| 11-04-2002 | Information Disclosure Statement (IDS) Filed   | ↑   |   |
| 09-30-2002 | Information Disclosure Statement (IDS) Filed   | ↑   |   |
| 10-04-2002 | Case Docketed to Examiner in GAU   | ↑   |   |
| 05-26-2002 | Case Docketed to Examiner in GAU   | ↑   |   |
| 03-29-2002 | Information Disclosure Statement (IDS) Filed   | ↑   |   |
| 12-31-2001 | Preliminary Amendment  | ↑   |   |
| 02-12-2002 | Application Dispatched from OIPE   | ↑   |   |
| 02-12-2002 | Application Is Now Complete  | ↑   |   |
| 01-10-2002 | Payment of additional filing fee/Preexam   | ↑   | 8 |
| 01-10-2002 | A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic | ↑   | ↑ |
| 02-12-2002 | Correspondence Address Change  | ↑   | ↑ |
| 01-24-2002 | CRF Does Not Match Application Specification -- Applicant Must Correct                               | ↑   | ↑ |
| 10-02-2001 | Notice Mailed--Application Incomplete--Filing Date Assigned  | ↑   | ↑ |
| 10-02-2001 | Correspondence Address Change  | ↑   |   |
| 09-24-2001 | CRF Is Good Technically / Entered into Database  | ↑   |   |
| 08-29-2001 | IFW Scan & PACR Auto Security Review   | ↑   |   |
| 08-21-2001 | CRF Disk Has Been Received by Preexam / Group / PCT  | ↑   |   |
| 08-21-2001 | Initial Exam Team nn   | ↑   |   |

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GRAYCARY/GT.PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/935,280         | 08/21/2001          | Jonathan D. Chesnut   | INVIT1300-1            |

CONFIRMATION NO. 8805

## FORMALITIES LETTER



\*OC00000006831509\*

Lisa A. Haile, J.D., Ph.D.  
GRAY CARY WARE & FREIDENRICH LLP  
Suite 1600  
4365 Executive Drive  
San Diego, CA 92121-2189

Date Mailed: 10/02/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1032.
  - \$792 for 44 total claims over 20.
  - \$240 for 3 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1872.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



| INVOICE          | DATE     | AMOUNT   |                       |
|------------------|----------|----------|-----------------------|
| 11/19/01 21489-2 | 11-19-01 | 1,914.00 | 102894-23 Aldon x6756 |

PATENT DOCKETING

JAN 23 2002

GRAYCARY/T.ELLIS

PATENT ATTORNEY DOCKET NO.: INVIT1300-1

The Patent and Trademark Office date stamp sets forth the receipt date of:

Applicant or Patentee: Chesnut et al. Filing or Issue Date: August 21, 2001

Serial No.: 09/935,280

Title: METHODS AND REAGENTS FOR MOLECULAR CLONING

☐ Transmittal Letter (2 copies) ☐ Petition for Extension of Time (2 pg.)

☒ Response to Notice to File Missing Parts (2 pg.) (in duplicate)

☐ Issue Fee ☐ Request Patent Copies

☒ Check: \$1,914.00 (Check # 494732)

☐ Drawings: Sheets

☒ 3 Declarations (12 pg.)

☐ Small Entity Statement

☒ Power of Attorney (2 pg.)

☐ Change of Attorney Address (pg.)

☐ Assignment/Recordal Cover Sheet (4 pg.)

☒ Copy of Notice to File Missing Parts (1 pg.)

☐ Information Disclosure Statement (pg.)

☐ Form PTO-1449 (pg.)

☐ Number of Prior Art References:

☐ Sequence Listing (pg.)

☐ Declaration (pg.) ☐ Verified Statement (pg.) ☐ Disk

Other

Atty/Sec Initials: LAH/RJL:ag Client Name: 102894-23

Date Mailed: 11/27/01  
Date Due: 12/02/01

VENDOR ID: cpt

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND-NOT A WHITE BACKGROUND

## GRAY CARY WARE &amp; FREIDENRICH

401 B STREET, SUITE 2000  
SAN DIEGO, CA 92101-4240COMERICA - Controlled Disbs  
Comerica Bank & Trust, NA

CHECK NO. 494732

DATE 11/19/01

AMOUNT OF CHECK  
\*\*\* \*\*1,914.00

ONE THOUSAND NINE HUNDRED FOURTEEN AND 00/100 U.S. Dollar

GRAY CARY WARE & FREIDENRICH  
GENERAL ACCOUNTPAY  
TO THE  
ORDER OF

COMMISSIONER OF PATENTS &amp; TRADEMARKS

*Randy M. Th...*

*Susan J. Plummer*

VOID AFTER 180 DAYS

EXPLANATION OF ADDITIONAL SECURITY FEATURES INDICATED ON REVERSE SIDE

⑈494732⑈ ⑆072404786⑆ 2176989081⑈

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chesnut et al. Art Unit: 1645  
Application No.: 09/935,280 Examiner: Unassigned  
Filed: August 21, 2001  
Title: METHODS AND REAGENTS FOR MOLECULAR CLONING

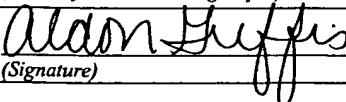
**BOX MISSING PARTS**  
Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to the Notice to File Missing Parts of Application mailed October 2, 2001,  
enclosed are:

1. A copy of the Notice to File Missing Parts of Application (1 page);
2. Three Declarations For Patent Application (12 pages);
3. Power of Attorney by Assignee (2 pages);
4. Check No. 494732 in the amount of \$1,914.00; and
5. Return Receipt Postcard.

| CERTIFICATION UNDER 37 CFR §1.8  |                                    |
|--|------------------------------------|
| I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>November 27, 2001</b> , in an envelope addressed to:<br>Box MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231. |                                    |
| Aldon Griffis<br>(Name of Person Mailing Paper)  |                                    |
| <br>(Signature)  | <b>November 27, 2001</b><br>(Date) |

In re Application of:  
Chesnut et al.  
Application No.: 09/935,280  
Filed: August 21, 2001  
Page 2

PATENT  
Attorney Docket No.: INVIT1300-1

Applicants claim large entity status in the above-identified application.

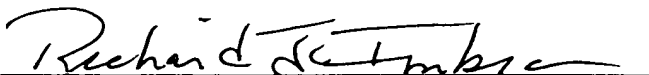
The filing fee has been calculated as follows.

|  | Number<br>Filed |   | Number<br>Extra |   | Rate            |                 |   | Fee             |                 |
|--|-----------------|---|-----------------|---|-----------------|-----------------|---|-----------------|-----------------|
|  |                 |   |                 |   | Small<br>Entity | Large<br>Entity |   | Small<br>Entity | Large<br>Entity |
| Total Claims   | 64-20           | = | 44              | X | \$09            | \$18            | = | \$ .00          | \$ 792.00       |
| Independent Claims   | 6-3             | = | 3               | X | \$42            | \$84            | = | \$ 80.00        | \$ 252.00       |
| Multiple Dependent<br>Claims Presented: ____ Yes <u>X</u> No |                 |   |                 |   | \$140           | \$280           |   | \$ .00          | \$ .00          |
|  |                 |   |                 |   | BASIC FEE       |                 |   | \$ 370.00       | \$ 740.00       |
|  |                 |   |                 |   | TOTAL FEE       |                 |   | \$ .00          | \$ 1,784.00     |

Enclosed is Check No. 494732 in the total amount of \$1,914.00; which consists of \$792.00 for the additional 44 claims over 20 claims, \$252.00 for the additional 3 independent claims over 3 independent claims, \$740.00 for the large entity filing fee and \$130.00 for the large entity surcharge fee. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: November 27, 2001

  
Richard J. Imbra  
Registration No.: 37,643  
Telephone: (858) 677-1496  
Facsimile: (858) 677-1465

USPTO CUSTOMER NUMBER 28213  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133

OCT 0 5 2001

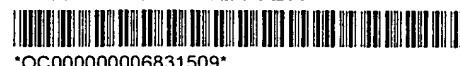


**GRAYCARY/GT.PATENT**  
**UNITED STATES PATENT AND TRADEMARK OFFICE**

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/935,280         | 08/21/2001          | Jonathan D. Chesnut   | INVIT1300-1            |

CONFIRMATION NO. 8805

**FORMALITIES LETTER**

\*OC000000006831509\*

Lisa A. Haile, J.D., Ph.D.  
 GRAY CARY WARE & FREIDENRICH LLP  
 Suite 1600  
 4365 Executive Drive  
 San Diego, CA 92121-2189

Date Mailed: 10/02/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION****FILED UNDER 37 CFR 1.53(b)*****Filing Date Granted***

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- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1032.
  - \$792 for 44 total claims over 20.
  - \$240 for 3 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1872.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHODS AND REAGENTS FOR MOLECULAR CLONING, the specification of which

  X   is attached hereto.

  X   was filed on August 21, 2001, (Attorney Docket No.: INVIT1300-1) as U.S. Application Serial No. 09/935,280 and was amended on \_\_\_\_\_ if applicable (the "Application").

**I hereby authorize and request insertion of the application serial number of the Application when officially known.**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, Code of Federal Regulations ("C.F.R."), § 1.56.

With respect to the Application, I hereby claim the benefit under 35 U.S.C.  
Section 119(e) of any United States provisional application(s) listed below:

|   |  |
|---|--|
| <u>60/226,563</u><br>(Application Serial No.)           | <u>August 21, 2000</u><br>(Filing Date)      |
| <u>                    </u><br>(Application Serial No.) | <u>                    </u><br>(Filing Date) |
| <u>                    </u><br>(Application Serial No.) | <u>                    </u><br>(Filing Date) |

With respect to the Application, I hereby claim the benefit under 35 U.S.C.  
Section 120 of any United States application(s), or Section 365(c) of any PCT International  
application designating the United States, listed below and, insofar as the subject matter of  
each of the claims of the application is not disclosed in the prior United States or PCT  
International application in the manner provided by the first paragraph of 35 U.S.C.  
Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark  
Office all information known to me to be material to patentability of the subject matter of the  
Application as defined in Title 37, C.F.R., Section 1.56 which became available between the  
filing date of the prior application and the national or PCT International filing date of the  
Application:

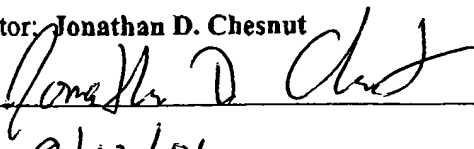
|   |  |   |
|---|--|---|
| <u>                    </u><br>(Application Serial No.) | <u>                    </u><br>(Filing Date) | <u>                    </u><br>(Status)<br>(patented, pending, abandoned) |
| <u>                    </u><br>(Application Serial No.) | <u>                    </u><br>(Filing Date) | <u>                    </u><br>(Status)<br>(patented, pending, abandoned) |
| <u>                    </u><br>(Application Serial No.) | <u>                    </u><br>(Filing Date) | <u>                    </u><br>(Status)<br>(patented, pending, abandoned) |

I hereby declare that all statements made herein of my own knowledge are true  
and that all statements made on information and belief are believed to be true; and further that  
these statements were made with the knowledge that willful false statements and the like so

ATTORNEY DOCKET NO.:  
INVIT1300-1

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Jonathan D. Chesnut**

Inventor's signature: 

Date: 9/12/01

Residence: Carlsbad, California

Citizenship: U.S.A.

Post Office Address: 2858 Andover Avenue  
Carlsbad, CA 92008

Full name of second inventor: **Stewart Shuman**

Inventor's signature: \_\_\_\_\_

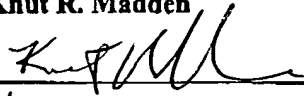
Date: \_\_\_\_\_

Residence: New York, New York

Citizenship: U.S.A.

Post Office Address: 504 East 63<sup>rd</sup> Street  
Apartment 9R  
New York, New York 10021

Full name of third inventor: **Knut R. Madden**

Inventor's signature: 

Date: 9/12/01

Residence: Carlsbad, California

Citizenship: U.S.A.

Post Office Address: 2705 Glasgow Drive  
Carlsbad, CA 92008

(Signatures continued)

ATTNEY DOCKET NO.:  
INVIT1300-1

Full name of fourth inventor: **John A. Heyman**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Belgium

Citizenship: U.S.A.

Post Office Address: 404 Murray Hill Road  
Vestal, NY 13850

Full name of fourth inventor: **Robert P. Bennett**

Inventor's signature: Robert P. Bennett

Date: 9/12/01

Residence: Encinitas, California

Citizenship: U.S.A.

Post Office Address: 1269 Rainbow Ridge Lane  
Encinitas, CA 92024

Gray Cary\GT\6253090.1  
102894-23



DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHODS AND REAGENTS FOR MOLECULAR CLONING, the specification of which

  X   is attached hereto.

  X   was filed on August 21, 2001, (Attorney Docket No.: INVIT1300-1) as U.S. Application Serial No. 09/935,280 and was amended on \_\_\_\_\_ if applicable (the "Application").

**I hereby authorize and request insertion of the application serial number of the Application when officially known.**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, Code of Federal Regulations ("C.F.R."), § 1.56.

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

|                             |                             |
|-----------------------------|-----------------------------|
| <u>60/226,563</u>           | <u>August 21, 2000</u>      |
| (Application Serial No.)    | (Filing Date)               |
| <u>                    </u> | <u>                    </u> |
| (Application Serial No.)    | (Filing Date)               |
| <u>                    </u> | <u>                    </u> |
| (Application Serial No.)    | (Filing Date)               |

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of the Application:

|                          |               |  |
|--------------------------|---------------|--|
| (Application Serial No.) | (Filing Date) | (Status)<br>(patented, pending, abandoned) |
| (Application Serial No.) | (Filing Date) | (Status)<br>(patented, pending, abandoned) |
| (Application Serial No.) | (Filing Date) | (Status)<br>(patented, pending, abandoned) |

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Full name of first inventor: **Jonathan D. Chesnut**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Carlsbad, California  
Citizenship: U.S.A.

Post Office Address: 2858 Andover Avenue  
Carlsbad, CA 92008

Full name of second inventor: **Stewart Shuman**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: New York, New York  
Citizenship: U.S.A.

Post Office Address: 504 East 63<sup>rd</sup> Street  
Apartment 9R  
New York, New York 10021

Full name of third inventor: **Knut R. Madden**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Carlsbad, California  
Citizenship: U.S.A.

Post Office Address: 2705 Glasgow Drive  
Carlsbad, CA 92008

(Signatures continued)

Full name of fourth inventor: **John A. Heyman**

Inventor's signature:  \_\_\_\_\_

Date: 2/oct/01

Residence: Belgium

Citizenship: U.S.A.

Post Office Address: 404 Murray Hill Road  
Vestal, NY 13850

Full name of fourth inventor: **Robert P. Bennett**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Encinitas, California

Citizenship: U.S.A.

Post Office Address: 1269 Rainbow Ridge Lane  
Encinitas, CA 92024

Gray Cary\GT\6253090.1  
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  X   is attached hereto.

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| <u>                    </u><br>(Application Serial No.) | <u>                    </u><br>(Filing Date) |
| <u>                    </u><br>(Application Serial No.) | <u>                    </u><br>(Filing Date) |

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|   |  |   |
|---|--|---|
| <u>                    </u><br>(Application Serial No.) | <u>                    </u><br>(Filing Date) | <u>                    </u><br>(Status)<br>(patented, pending, abandoned) |
| <u>                    </u><br>(Application Serial No.) | <u>                    </u><br>(Filing Date) | <u>                    </u><br>(Status)<br>(patented, pending, abandoned) |
| <u>                    </u><br>(Application Serial No.) | <u>                    </u><br>(Filing Date) | <u>                    </u><br>(Status)<br>(patented, pending, abandoned) |

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Full name of first inventor: **Jonathan D. Chesnut**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Carlsbad, California  
Citizenship: U.S.A.

Post Office Address: 2858 Andover Avenue  
Carlsbad, CA 92008

Full name of second inventor: **Stewart Shuman**

Inventor's signature: Stewart Shuman

Date: October 30, 2001

Residence: New York, New York  
Citizenship: U.S.A.

Post Office Address: 504 East 63<sup>rd</sup> Street  
Apartment 9R  
New York, New York 10021

Full name of third inventor: **Knut R. Madden**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Carlsbad, California  
Citizenship: U.S.A.

Post Office Address: 2705 Glasgow Drive  
Carlsbad, CA 92008

(Signatures continued)

Full name of fourth inventor: **John A. Heyman**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Belgium

Citizenship: U.S.A.

Post Office Address: 404 Murray Hill Road  
Vestal, NY 13850

Full name of fourth inventor: **Robert P. Bennett**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Encinitas, California

Citizenship: U.S.A.

Post Office Address: 1269 Rainbow Ridge Lane  
Encinitas, CA 92024

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102894-23



PATENT

ATTORNEY DOCKET NO.: INVIT1300-1  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                  |  |           |            |
|------------------|--|-----------|------------|
| Applicants:      | Chesnut et al.                             | Art Unit: | Unassigned |
| Application No.: | Unassigned                                 | Examiner: | Unassigned |
| Filed:           | August 21, 2001                            |           |            |
| Title:           | METHODS AND REAGENTS FOR MOLECULAR CLONING |           |            |

Commissioner for Patents  
Washington, D.C. 20231

**POWER OF ATTORNEY BY ASSIGNEE**

As a below-named assignee of the above-identified application ("Application"):

I hereby appoint the following attorneys of the assignee to prosecute the Application and to transact all business in the United States Patent and Trademark Office connected therewith:

|                             |                         |
|-----------------------------|-------------------------|
| JAMES P. CLEARY             | Registration No. 45,843 |
| TIM ELLIS                   | Registration No. 41,734 |
| CHARLES D. GAVRILOVICH, Jr. | Registration No. 41,031 |
| LISA A. HAILE               | Registration No. 38,347 |
| RICHARD J. IMBRA            | Registration No. 37,643 |
| SHEILA R. KIRSCHENBAUM      | Registration No. 44,835 |
| JUNE M. LEARN               | Registration No. 31,238 |
| TIMOTHY W. LOHSE            | Registration No. 35,255 |
| TERRANCE A. MEADOR          | Registration No. 30,298 |
| STEVEN R. SPRINKLE          | Registration No. 40,825 |
| MARK M. TAKAHASHI           | Registration No. 38,631 |
| EMANUEL J. VACCHIANO        | Registration No. 43,964 |
| BARRY N. YOUNG              | Registration No. 27,744 |

In re Application of:  
Chesnut et al.  
Application No.:  
Filed: August 21, 2001  
Page 2


PATENT  
Attorney Docket No.: INVIT1300-1

I hereby authorize and request insertion of the application number of the  
Application when officially known.

Direct all telephone calls to:  
**LISA A. HAILE, J.D., PH.D.**  
Telephone: (858) 677-1456

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**LISA A. HAILE, J.D., PH.D.**  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1600  
San Diego, CA 92121

**INVITROGEN CORPORATION**  
a California Corporation

By:   
Name: Alan Hammond  
Title: Chief Intellectual Property Counsel  
Date: 10/24/2001